

and two of whom shall be registered republicans, subject to confirmation by the senate.

4. The majority leaders of the senate and the house of representatives shall jointly appoint one member.

5. The minority leaders of the senate and the house of representatives shall jointly appoint one member.

4 6. One additional member who shall be appointed and approved unanimously by the governor and the majority and minority leaders of the senate and the house of representatives and this member shall chair the committee.

All members of the tax study committee shall be appointed not later than thirty days from the effective date of this Act. The tax study committee shall hold its organizational meeting not more than thirty days following the appointment of its membership.

Sec. 2. The two additional members of the tax study committee provided for in section 1 shall be appointed not later than five days from the effective date of section 1.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Daily Gate City, a newspaper published in Keokuk, Iowa, and in The Red Oak Express, a newspaper published in Red Oak, Iowa.

Approved February 9, 1984

I hereby certify that the foregoing Act, Senate File 2045 was published in The Red Oak Express, Red Oak, Iowa on February 15, 1984 and in the Daily Gate City, Keokuk, Iowa on February 27, 1984.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1006

DISPENSING DRUGS AND DELEGATED FUNCTIONS

S.F. 345

AN ACT authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 147.104A DRUG DISPENSING.**

1. A person, other than a pharmacist, physician, dentist, podiatrist, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. A pharmacist, physician, dentist, or podiatrist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence.

3. A physician's assistant or registered nurse may supply when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician's assistant or registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. Notwithstanding subsection 1, a family planning clinic may dispense birth control drugs and devices upon the order of a physician. Subsections 2 and 3 do not apply to a family planning clinic under this subsection.

5. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a simple misdemeanor.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1036, section 33, subsection 1, is repealed.

Approved February 21, 1984

CHAPTER 1007
REGULATORY FLEXIBILITY ANALYSIS
S.F. 475

AN ACT to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter 17A, Code 1983, is amended by adding the following new section:

NEW SECTION. SMALL BUSINESS REGULATORY FLEXIBILITY ANALYSIS.

1. For the purpose of this section, "small business" means a business entity organized for profit, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

- a. It is not an affiliate or subsidiary of a business dominant in its field of operation.
- b. It has either twenty or fewer full-time equivalent positions or not more than the equivalent of one million dollars in annual gross revenues in the preceding fiscal year.
- c. It does not involve the operation of a farm and does not involve the practice of a profession.

For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than one million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation.